**Execution Version** 

## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re : Chapter 11 Case No.

LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (JMP)

Debtors : (Jointly Administered)

JOINT NOTICE OF WITHDRAWAL OF CLAIMS AND WITHDRAWAL OF SUBPOENAS ISSUED PURSUANT TO ORDER GRANTING THE DEBTORS AUTHORITY TO ISSUE SUBPOENAS FOR THE PRODUCTION OF DOCUMENTS AND AUTHORIZING THE EXAMINATION OF PERSONS AND ENTITIES

Reference is made to the following proofs of claim: 34458, filed on September 23, 2009, against Lehman Brothers Holdings Inc. ("LBHI") by Adagio Fund in the amount of \$58,093,845.59; 34459, filed on September 23, 2009 against LBHI by Fortissimo Fund in the amount of \$4,392,949.91; and 34460, filed on September 23, 2009, against LBHI by Encore Fund, L.P. in the amount of 3,316,824.36 (collectively, the "Claims"). Lamorak Advisors, L.L.C. (the "Claimant" and together with LBHI, the "Parties") purchased a 100% interest in each of the Claims from Barclays Bank PLC, [see ECF Nos. 41938, 41939 and 41940]. The Claimant represents and warrants to LBHI that as of the date hereof, the Claimant has not sold, assigned or transferred the Claims.

PLEASE TAKE NOTICE that the Claimant, by and through its attorneys, hereby withdraws with prejudice the Claims. The Claimant authorizes LBHI to direct Epiq Bankruptcy Solutions LLC to expunge the Claims from the claims register.

PLEASE TAKE FURTHER NOTICE that LBHI hereby withdraws all subpoenas relating to the Claims, including, without limitation: the subpoena served upon Adagio Fund on November 19, 2012, the issuance of which was noticed in a filing with the Court on November 21, 2012 [ECF No. 32270]; the subpoena served upon Fortissimo Fund on November 26, 2012, the issuance of which was noticed in a filing with the Court on November 29, 2012 [ECF No. 32441]; and the subpoena served upon Encore Fund, L.P. on November 26, 2012, the issuance of which was noticed in a filing with the Court on November 29, 2012 [ECF No. 32439].

Each Party represents and warrants to the other Party that execution of this joint notice (and the withdrawals contemplated hereby) is within its corporate powers, has been duly authorized by all necessary action, and will not contravene any constitutional document or other instrument or agreement binding on it, or any law, regulation, judgment, order or administrative action binding on it.

Dated: March 2014 New York, New York

Time to Was

Philip A. Wells ROPES & GRAY LLP 1211 Avenue of the Americas New York, New York 10036 Telephone: (212) 596-9000 Facsimile: (212) 596-9090

Attorneys for Lamorak Advisors, L.L.C.

Dated: March <u>40</u>, 2014 New York, New York

Garrett A. Fail

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153 Telephone: (212) 310-8000 Facsimile: (212) 310-8007

Attorneys for Lehman Brothers Holdings Inc. and Certain of Its Affiliates